

**REMARKS**

Claims 1-15 are pending in the application; the status of the claims is as follows:

Claims 1-3, 6-8, and 11-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,327,423 B1 (shown in the Office Action as 6,427,423) to Ejima et al ("Ejima") in view of U.S. Patent No. 5,012,271 to Nishimura et al ("Nishimura").

Claims 4, 5, 9, 10, 14, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ejima in view of Nishimura, and further in view of U.S. Patent No. 5,424,772 to Aoki et al ("Aoki").

**35 U.S.C. § 103(a) Rejections**

The rejection of claims 1-3, 6-8, and 11-13 under 35 U.S.C. § 103(a), as being unpatentable over Ejima in view of Nishimura, is respectfully traversed based on the following.

Claim 1 recites, *inter alia*:

"an image pick-up element ...;"

"a light-receiving element ...;" and

"a first controller for controlling an exposure amount of said image pick-up element for a next frame in a sequence of photographs directly based on the light-quantity data of a previous frame output from said light-receiving element in the sequence-photograph mode."

That is, the controller calculates exposure settings for a subsequent picture based on the output of the light-receiving element during the preceding picture.

As stated at page 4 of the Office Action, “Ejima does not explicitly disclose that the exposure amount of the image pick-up element for the next frame in the sequence of photographs is determined directly based on the light quantity data of the previous frame output from the light-receiving element in the sequence photograph mode.” Nishimura is cited to provide the missing teaching, with specific reference to Fig. 8. It is respectfully submitted, however, that Nishimura also fails to teach this feature of claim 1.

As taught by Nishimura, whenever the shutter release button is depressed half-way (Fig. 8, step S1) exposure settings are calculated based on the output of the light measuring circuit (S2). When the shutter release is fully depressed (S3) the light is re-measured by exposing the image sensor (S4) and the exposure time is adjusted (Fig. 9, step S18). A real exposure is then performed based on the adjusted exposure time (Fig. 8 step S5).

During step S4 the image data is not recorded so that actual photographing is not performed (compare Figs. 9 and 10). Therefore, the exposure of the image sensor during step S4 cannot correspond a “frame” as recited in claim 1. Even assuming, *arguendo*, that the exposure during step S4 is a frame, it cannot be a “next frame” because the image sensor is not exposed prior to step S4. Furthermore, the output of the light measuring circuit is not read during step S4, so the real exposure during step S5 cannot be the claimed “next frame” in which the exposure amount is “based on the light-quantity data of a previous frame output from said light-receiving element.”

If the Nishimura camera is in continuous shooting mode (S6) and the shutter release is fully depressed (S7 and S9), the camera repeatedly resets the shutter (S9) and performs another real exposure (S5). However, Fig. 8 explicitly shows that all the photographs in the continuous shooting mode are obtained without remeasuring the output of the light measuring circuit and without recalculating any exposure values, e.g., step S9 loops to a point after steps S1-S4. Therefore, Nishimura can not teach “a first controller for controlling an exposure amount of said image pick-up element for a next frame in a

sequence of photographs directly based on the light-quantity data of a previous frame output from said light-receiving element in the sequence-photograph mode” as required by claim 1. Accordingly, the combination of Ejima and Nishimura is distinguished by claim 1, as well as by claims 2 and 3 which depend therefrom.

Claim 6 recites, *inter alia*, “controlling an exposure amount of the image pick-up element for a next frame in a sequence of photographs directly based on the light-quantity data of a previous frame generated by the light-receiving element if the digital camera is in the sequence-photograph mode.” As provided above in respect of claim 1, this feature of claim 6 is not disclosed, taught, or otherwise suggested by Ejima and/or Nishimura. Accordingly, it is respectfully submitted that the combination of Ejima and Nishimura is distinguished by claim 6, as well as by claims 7 and 8 which depend therefrom.

Claim 11 recites, *inter alia*, “a controller, for controlling an exposure amount of said image pick-up element for a next frame in a sequence of photographs directly based on the light-quantity data of a previous frame output from said light-receiving element in the sequence-photograph mode.” As provided above in respect of claim 1, this feature of claim 11 is not disclosed, taught, or otherwise suggested by Ejima and/or Nishimura. Accordingly, it is respectfully submitted that the combination of Ejima and Nishimura is distinguished by claim 11, as well as by claims 12 and 13 which depend therefrom.

Accordingly, it is respectfully requested that the rejection of claims 1-3, 6-8, and 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Ejima in view of Nishimura, be reconsidered and withdrawn.

The rejection of claims 4, 5, 9, 10, 14, and 15 under 35 U.S.C. § 103(a), as being unpatentable over Ejima in view of Nishimura, and further in view of Aoki, is respectfully traversed based on the following.

Claims 4, 5, 9, 10, 14, and 15 each depend from one of claims 1, 6, or 11 which distinguish over the combination of Ejima and Nishimura for the reasons provided above.

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Aoki fails to overcome the deficiencies of Ejima and Nishimura because Aoki also fails to teach determining exposure settings as recited in claims 1, 6, and 11. It is respectfully submitted, therefore, that the combination of Ejima, Nishimura, and Aoki is distinguished by claims 4, 5, 9, 10, 14, and 15.

Accordingly, it is respectfully requested that the rejection of claims 4, 5, 9, 10, 14, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Ejima in view of Nishimura, and further in view of Aoki, be reconsidered and withdrawn.

### **CONCLUSION**

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

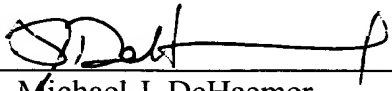
This Amendment does not increase the number of independent claims, increases the total number of claims by 3 from 15 to 18, but does not present any multiple dependency claims. However, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

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Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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